

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Final Office Action dated July 25, 2006 ("the Office Action"). In the Office Action, the Examiner rejected Claims 1, 21, 36 – 38 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,600,812 to Gentillin *et al.* (herein *Gentillin*); Claims 2 – 20, 22, and 39 – 57 as being obvious over *Gentillin*; and Claims 23 – 35 and 60 – 72 under 35 U.S.C. §103(a) as being obvious over *Gentillin* in view of U.S. Patent Number 6,771,742 to McCalmont *et al.* (herein *McClamont*). In response, Applicants make the above amendments and the following remarks.

For purposes of clarity, Claim 1 is hereby amended. No claims have been canceled and no claims have been added. Therefore, **Claims 1 – 26, 33 – 46, 48 - 54, 56 – 57, and 60 - 69 are currently pending.** As set forth more fully below, reconsideration and allowance of the pending claims are respectfully requested.

As an initial matter, the phrase "over the packet network" was restored to Claim 1, line 10. This limitation was inadvertently deleted by Applicants' Amendment of April 24, 2006.

Claims 1, 21, 36 – 38, 58, 73 and 74 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Gentillin*.

Of these claims, Claims 1 and 38 are independent. The rest of the above-listed claims depend directly or indirectly from claims 1 or 38. Applicants will first discuss the independent claims.

In order for a rejection under 35 U.S.C. §102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference. (MPEP §2131). In this application, however, each and every element of the rejected claims cannot be found in the cited reference. Specifically, *Gentillin* does not disclose or suggest:

a plurality of response gateways connected to the emergency services and connected to the packet network; and

a plurality of conforming emergency systems (CES) connected to the packet network, each of the conforming emergency systems is configured to establish a media channel over the packet network with one of the plurality of response gateways...

Claim 1, lines 7 – 11. The Examiner cites the PSAP Operator Terminal 110 (FIG. 4) in *Gentillin* as an equivalent of Applicants' conforming emergency system (CES). Applicants disagree with this characterization. In their specification, Applicants state that "[o]ne example of a conforming emergency system is a computer system for a Public Safety Answering Point (PSAP)... ." Paragraph [0044], emphasis added. The PSAP Operator Terminal 110 in *Gentillin* is one position within a PSAP as is well known in the art and shown as such in *Gentillin*'s FIG. 3.

It is respectfully pointed out that *Gentillin*'s PSAP Initial Server Interface 100a and/or PSAP server 100 (FIG. 4) appears to resemble Applicants' definition of a conforming emergency system better than PSAP Operator Access 110. As such, however, PSAP Initial Server Interface 100a is not "connected to [a] packet network [and] ... configured to establish a media channel over the packet network with one of the plurality of response gateways." There is no packet network disclosed or suggested in *Gentillin*. All of *Gentillin*'s communication paths (410, 420, 430 and even 440) are described as "connections" or "channels." "Connection" and "channel" are not explicitly defined in *Gentillin*'s specification and thus must be given their usual definitions.

A "connection" is defined as:

1. A path between telephones that allows transmission of speech and other signals. 2. An electrical continuity of circuit between two wires or two units, in a piece of apparatus." *Newton's Telecom Dictionary*, Telecom Books, 16th Ed., 2000.

Likewise, "channel" is defined as:

a path of communication, either electrical or electromagnetic, between two or more points. Also called a circuit, facility, line, link or path. *Id.*

According to these definitions, the "connections" and "channels" in *Gentillin* are paths that connect two points. These connections and channels are therefore clearly not a packet network. The connections and channels in the *Gentillin*'s figures illustrate

“connections” and “channels” as point-to-point paths. Thus, the usage and illustrations of “connections” and “channels” in *Gentillin* is entirely consistent with the definitions provided in *Newton*’s.

The Examiner relies on the fact that data may be transferred using “HTTP” as implying that *Gentillin* suggests a network. However, HTTP (Hyper Text Transfer Protocol) is just that: a protocol. It is a means for transferring data, which can (and is) used to transfer data over point-to-point paths as well as networks. Therefore, the fact that data is transferred using HTTP is not dispositive of this issue.

Additionally, the Examiner, in attempting to refute the above argument (that there is no teach or suggestion of a channel set up through a packet network), stated that:

Gentillin suggests that the channels can be wireless channels as well as wired connections (col. 8, lines 13 – 15) such that it would have been obvious to an artisan of ordinary skill to use a convention wireless packet protocol such as SIP using the conventional channel setup protocol in a wireless embodiment of Gentillin. Office Action, page 5.

Applicants’ cannot find any reference to “wireless packet protocol” in *Gentillin*. It is respectfully requested that the Examiner cite art that shows the “wireless packet protocol” that the Examiner is referring to. It is also respectfully pointed out that SIP is primarily used in VoIP telephony (wired and wireless), which is a network-based technology. It is Applicants’ specification and claims that refer to networks and to SIP, not *Gentillin*. Thus, it is respectfully asserted that the Examiner’s is using Applicants’ specification and claims as a roadmap to find implications in *Gentillin* that are simply not there.

In fact, the cited passage in *Gentillin* taken in conjunction with the definition provided by *Newton* reinforces Applicants’ assertion that there is no packet network disclosed or suggested in *Gentillin*. The cited passage in *Gentillin* (Col. 8, lines 13 – 15) reads:

Also, channels have been described primarily as traditional phone lines or network connections, with the appropriate corresponding hardware. However, channels are meant to be any channels capable of carrying data, including wireless channels, optical channels, and electrical channels. (Col. 8, lines 13 – 15).

Gentillin specifically mentions phone lines (as in *Newton*'s definition of "connection") and then states that channels can also be wireless, optical or electrical. In this context, "telephone line," "wireless," "optical" and "electrical" are equated and are therefore meant to be understood as point-to-point connections, as defined in *Newton*, cited above. The "network connections" in the cited passage appears to refer to telephone network connections, as there are no other networks mentioned in *Gentillin*.

Furthermore, *Gentillin* does not disclose or suggest Applicant's plurality of response gateways. Again, in their specification, Applicants define a "response gateway" as "any system, server, or equipment configured to communicate with a conforming emergency system via a media channel over a packet network, and interface the conforming emergency system with emergency services of an emergency services network." Paragraph [0045]. The Examiner analogizes *Gentillin*'s blocks 200 and 100 to Applicants' response gateways 221, 222 and 223. As stated above, *Gentillin*'s block 100 functions more like Applicants' conforming emergency system than a response gateway. Block 200 is described as an "upstream data hub" and "authoritative data store." In *Gentillin*, only authoritative data server 200 appears to have a function that is similar to Applicants' response gateways. Again, it is respectfully pointed out that there is a point-to-point connection between data store 100 and authoritative data server 200, not a network. Data store 100 has only one source of remote data collection: authoritative data server 200. If data store 100 is not operational, then data store 100 cannot obtain information from, or deliver information to, block 400 and 310. By having a plurality of response gateways, Applicants' conforming emergency services can obtain/send data even when one (or more) response gateways are not in operation for any reason.

To summarize, *Gentillin* cannot anticipate Applicants' invention, as claimed in Claim 1, because *Gentillin* does not disclose or suggest Applicants' plurality of response gateways (*Gentillin* suggests one, if at all); *Gentillin* does not disclose or suggest Applicants' packet network; and, importantly, because *Gentillin* does not disclose or suggest Applicants' packet network, *Gentillin* cannot and does not disclose or suggest "establishing a media channel with one of the response gateways over a packet network."

Because Gentillin does not anticipate Applicants' claim 1, then Claim 1 is patentable. Withdrawal of this rejection and allowance of Claim 1 is respectfully requested.

Independent Claim 38 is likewise not anticipated by *Gentillin* for many of the same reasons. For example, Claim 38 includes the limitations:

in each of the conforming emergency systems, establishing a media channel with one of the response gateways;
in one of the conforming emergency systems (CES), responsive to establishing a media channel with one of the response gateways over the packet network and responsive to an emergency event, transmitting a retrieval key over the media channel to the one response gateway;

Claim 38, lines 7 – 12. Many of the arguments made for the allowability of Claim 1 also apply to Claim 38 and are incorporated herein as if they were repeated here in their entirety. Further, there is also no transmitting of a retrieval key responsive to establishing a media channel and responsive to an emergency event in *Gentillin*. The Examiner has never cited anything in *Gentillin* that teaches or suggests transmittal of a retrieval key responsive to establishing a media channel. Thus, Applicants' independent claim 38 is not anticipated by *Gentillin*.

Claims 21, 36 and 37 depend from allowable independent claim 1 and are therefore allowable. For the forgoing reasons, Applicants' claimed invention is not anticipated by *Gentillin*. Withdrawal of this rejection and allowance of these claims is respectfully requested.

Claims 2 – 20, 22, 39 – 57 and 59 stand rejected under 35 U.S.C. §103(a) as being obvious over *Gentillin*. In this claim group, Claims 47, 55 and 59 have been cancelled. Claims 2 – 20 and 22 depend from allowable claim 1 and are therefore allowable. Claims 39 – 54 and 56 – 57 depend from allowable claim 38 and are therefore allowable. However, each of these groups includes subject matter that is independently patentable.

By way of example (and not limitation), claims 6 and 53 include a limitation wherein each response gateway is configured to negotiate parameters of the media

channel. Applicants can find no such negotiation in *Gentillin*. Further, claims 7 and 44 include a limitation to a channel setup system that facilitates setting up a channel between a CES and a response gateway. There is no teaching or suggestion of a channel setup system in *Gentillin*, because, as discussed above, there is no channel needed in the hard-wired system of *Gentillin*.

Claims 23 – 35 and 60 – 72 stand rejected under 35 U.S.C. §103(a) as being obvious over *Gentillin* in view of U.S. Patent Number 6,771,742 to McCalmont *et al.* (herein “*McCalmont*”). In this claim group, Claims 27 – 32 and 70 – 72 were previously cancelled. Claims 23 – 26 depend from allowable independent Claim 1 and are therefore allowable. Claims 60 – 69 depend from allowable independent Claim 38 and are therefore allowable. Withdrawal of this rejection and allowance of these claims is respectfully requested.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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